

2008 MAY 33

REGIONAL HEARING
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May 28, 2008

BY OVERNIGHT DELIVERY

The Hon. Helen S. Ferrara
Regional Judicial Officer
U.S. Environmental Protection Agency - Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866

Re: *Evans Chemetics, LP, Waterloo, NY*
Docket No. CAA-02-2007-1223

Dear Ms. Ferrara:

Enclosed please find an original and one copy of (a) a Motion for Extension of Time to File an Answer and Proposed Order, and (b) a proposed Order relating to the above referenced matter for your consideration.

Copies of this Motion and proposed Order have also been served upon the related parties in accordance with the enclosed Certificate of Service.

Thank you for your time and consideration.

Sincerely,

BOND, SCHOENECK & KING, PLLC


Virginia C. Robbins

VCR/sm
Enclosures

cc (w/enclosures):

Ms. Karen Maples, Regional Hearing Clerk of the U.S. Environmental Protection Agency ✓
Douglas Fischer, Esq., Assistant Regional Counsel

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

-----)
In the Matter of)
)
EVANS CHEMETICS, LP)
228 East Main Street)
Waterloo, New York 13165,)
)
Respondent.)
)
Proceeding under Section 113)
of the Clean Air Act,)
42 U.S.C. § 7413)
-----)

**MOTION FOR EXTENSION
OF TIME TO FILE AN ANSWER
AND PROPOSED ORDER**

Docket No. CAA-02-2007-1223

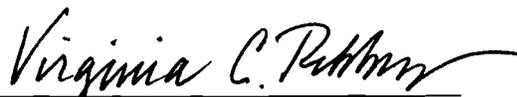
Respondent respectfully requests an extension of time to file an Answer to the above-captioned Complaint based on the following circumstances:

1. On March 27, 2008, Respondent filed a Motion for Extension of Time to File an Answer and Proposed Order, requesting additional time to permit the parties to finalize settlement terms, including the performance of a Supplemental Environmental Project (SEP).
2. By Order dated March 31, 2008, Respondent was granted an extension through and including June 4, 2008.
3. On January 28, 2008, Respondent, in response to Complainant's request, submitted vendor quotes for the equipment Respondent proposes to purchase for the local emergency planning committee (LEPC) for its use in responding to emergencies. On January 30, 2008, again in response to Complainant's request, Respondent provided a letter from the LEPC indicating how the LEPC intends to use the shelters that are proposed to be purchased by Respondent as part of the SEP. On February 6, 2008, Complainant indicated that it had approved Respondent's proposed SEP and that it would calculate the amount of the SEP cost that would be applied to the agreed upon payable penalty. On March 19, 2008, Complainant provided to Respondent a draft Consent Agreement and Final Order (CA/FO) for comment. Respondent and Complainant's staff have reached agreement on the final form of the CA/FO but need additional time for agency executive approval.

4. Prior to filing this motion, counsel for Complainant indicated his consent to the proposed extension of time to file an Answer.

WHEREFORE, Respondent, Evans Chemetics, LP, respectfully requests that this Motion for Extension of Time to File an Answer and Proposed Order be granted, thereby extending Respondent's time to file an Answer through and including July 15, 2008.

Respectfully submitted,



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Counsel for Respondent
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Telephone: 315-218-8182
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DATED: May 28, 2008

**UNITED STATES OF AMERICA
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

-----X
In the Matter of :
 :
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EVANS CHEMETICS, LP :
228 East Main Street :
Waterloo, New York 13165, :
 :
Respondent. :
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Proceeding under Section 113 :
of the Clean Air Act, :
42 U.S.C. § 7413 :
-----X

**ORDER FOR EXTENSION OF TIME
TO FILE AN ANSWER**

Docket No. CAA-02-2007-1223

ORDER

This matter has come before this Presiding Officer on Respondent's request for an extension of time to file an Answer.

IT IS HEREBY ORDERED that the time in which Respondent may file its Answer to the Complaint in this action be and is hereby extended through and including July 15, 2008.

Dated: _____, 2008

Helen S. Ferrara
Regional Judicial Officer
U.S. Environmental Protection Agency – Region 2
290 Broadway, 16th Floor
New York, NY 10007-1866